

Marine Resources

**PUBLIC 60
EMERGENCY**

An Act To Expand the Mission of the Marine Patrol

LD 1388

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON MCNEIL	OTP-AM	S-28

Public Law 2003, chapter 60 authorizes the Department of Marine Resources to provide safety and security services in the coastal waters when conditions warrant, and coordinate these services with local, state and federal agencies. It requires the department to enter into a memorandum of agreement with the United States Coast Guard before providing assistance in enforcing federal safety and security zones and dedicates any federal funds received as reimbursement for providing assistance to the department's watercraft fund.

Public Law 2003, chapter 60 was enacted as an emergency measure effective April 18, 2003.

PUBLIC 63

An Act To Set the Minimum Legal Shell Size for Scallops

LD 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY LEMONT	OTP-AM	H-58

Public Law 2003, chapter 63 sets a statewide minimum shell size for scallops of 3 3/4 inches beginning on December 1, 2003, and on December 1, 2004 it increases that minimum shell size to 4 inches. It requires the immediate release of all scallops that do not meet the size requirements and provides for prima facie evidence of the possession of illegal scallops. It also authorizes the Commissioner of the Department of Marine Resources, after December 1, 2004, to increase the shell size minimum.

**PUBLIC 90
EMERGENCY**

An Act To Establish the Commercial Fishing Safety Council

LD 1440

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	H-126 TWOMEY S-32

Public Law 2003, chapter 90 establishes the Commercial Fishing Safety Council as an advisory body to the Commissioner of Marine Resources.

Public Law 2003, chapter 90 was enacted as an emergency measure effective April 25, 2003.

Marine Resources

**PUBLIC 104 An Act To Amend Marine Resources Special License Requirements
for Educational Programs LD 1437**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP	

Public Law 2003, chapter 104 provides that teachers in primary or secondary schools do not need approval by the Marine Resources Advisory Council but may obtain a special license for research, aquaculture or education directly from the Commissioner of Marine Resources.

PUBLIC 169 An Act To Create a Marine Harvesting Demonstration License LD 1389

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-69

Public Law 2003, chapter 169 creates a new license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It requires that all organisms captured pursuant to this license be released alive into the area from which they were taken. Additionally, it requires that an applicant for the license must pass a written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license.

**PUBLIC 170 An Act Concerning the Renewal of Commercial Harvester and
Dealer Licenses LD 1387**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-70

Public Law 2003, chapter 170 provides that if a holder of a license to harvest or sell marine organisms fails to submit required statistics concerning the fisheries, the Commissioner of Marine Resources may refuse to renew the holder's license until the holder complies with the reporting requirement.

Marine Resources

PUBLIC 200 **An Act To Manage the Sea Urchin Fishery**
EMERGENCY

LD 1451

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-99

Public Law 2003, chapter 200 requires the Commissioner of Marine Resources to suspend, for at least 1 year and up to 3 years, the sea urchin fishing license of any license holder convicted of a 3rd or subsequent offense of possessing sea urchins smaller than the minimum size. It also authorizes the commissioner to adopt rules regarding the culling requirements for sea urchins harvested under a hand-fishing license in Zone 1. Additionally, it allows the commissioner to adopt rules to establish a sea urchin limited entry system to prevent new entries into the fishery when it is necessary to protect the urchin fishery for imminent depletion. Public Law 2003, chapter 200 expands the allowable uses of the Sea Urchin Research Fund to include safety education and training and the implementation of management measures, following consultation by the Commissioner of Marine Resources with the Sea Urchin Zone Council. Finally, it requires the department to report back to the Joint Standing Committee of Marine Resources on the status of the implementation of these new requirements no later than January 1, 2005.

Public Law 2003, chapter 200 was enacted as an emergency measure effective May 16, 2003.

PUBLIC 247 **An Act To Make Changes to the Laws Governing Aquaculture**
Leasing

LD 1417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-282

Public Law 2003, chapter 247 makes the following changes to marine resource laws that regulate the leasing and monitoring of public waters for marine aquaculture:

1. It allows qualified professional staff to sign lease documents following the approval of a standard lease by the Commissioner of Marine Resources, and allows the commissioner or deputy commissioner to delegate the approval of limited-purpose leases to qualified professional staff;
2. It repeals a requirement that the applicant for a standard aquaculture lease publish notice of public hearing for the lease in the newspaper;
3. It changes language on the notification of granted leases to remove a requirement of public notice in a local paper and adds a requirement that the Department of Marine Resources notify riparian landowners, intervenors and the municipality that a lease has been granted;
4. It grants the Commissioner of Marine Resources discretion in determining when to initiate revocation proceedings for standard and limited purpose aquaculture leases;
5. It requires applicants when renewing a standard lease to provide earlier notice of intent to renew and adds a requirement that leases not routinely used must be determined to still meet certain statutory criteria;

Marine Resources

6. It clarifies that the existing exclusive jurisdiction of the Commissioner of Marine Resources to regulate aquaculture activities on state submerged lands below the mean low-water mark includes all types of equipment to be located within a limited-purpose aquaculture lease;
7. It requires the Department of Marine Resources to notify riparian landowners when a limited-purpose aquaculture lease application is being reviewed by the department;
8. It changes requires the Department of Marine Resources and not the applicant to publish notice of a public hearing for a limited-purpose aquaculture lease application;
9. It deletes a provision on municipal approval and adds new language concerning municipal participation in the limited-purpose aquaculture lease process;
10. It adds the United States Department of Agriculture to the list of federal agencies permitted to use confidential data submitted by lease holders at the direction of the Commissioner of Marine Resources;
11. It authorizes a dedicated fund to receive fees from both finfish and shellfish growers in order to fund monitoring, research and development of marine aquaculture;
12. It renames the Maine Salmon Aquaculture Advisory Council the Aquaculture Advisory Council and alters its membership to include members from both shellfish and finfish aquaculture; and
13. It adds unreasonable noise and visual impacts to conditions the Commissioner of Marine Resources must consider when granting an aquaculture lease and makes any rules adopted to quantify these impacts major substantive rules.

**PUBLIC 248 An Act To Correct Certain Errors and Inconsistencies in Laws
Relating to Marine Resources**

LD 1471

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP	H-247 BULL

Public Law 2003, chapter 248 makes changes to the laws relating to marine resources as follows:

1. It corrects a reference to a federal agency;
2. It eliminates a reference to shrimp in the laws relating to emerging fisheries;
3. It clarifies that the violation of a rule adopted by the Commissioner of Marine Resources is a civil violation for which a fine of not less than \$100 may be adjudged;
4. It corrects an inconsistency with regard to the processing of scallops. It clarifies that scallop harvesters may process, possess, ship, transport or sell only shucked scallops. It requires that a person, except a person authorized by either of the scallop harvester licenses who processes, possesses, buys, ships, transports or shucks shellfish or whole scallops, must have a shellfish sanitation certificate to process, sell, ship, transport or shuck shellfish or whole scallops;

Marine Resources

5. It provides that, unless otherwise specified, a violation of the laws relating to sea urchins is a criminal violation;
6. It clarifies that the commercial shrimp license pertains only to the northern shrimp species;
7. It stipulates that it is a violation of law to engage in certain shellfish and whole scallop activities without a shellfish sanitation certificate or a depuration certificate; and
8. It changes all references to regulations to conform to the rule-making process provided in the Maine Revised Statutes, Title 5, chapter 375;

PUBLIC 284 An Act To Decriminalize Unlicensed Shellfish Digging

LD 1415

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-264

Public Law 2003, chapter 284 changes the penalties for digging shellfish without a municipal shellfish license from a criminal to a civil violation and imposes a fine of not less than \$100 or more than \$500 for each violation. It also clarifies that harvesting shellfish from a closed area is a Class D crime and allows for the maximum fine and period of incarceration possible for harvesting shellfish in closed areas.

PUBLIC 319 An Act To Create the Scallop Advisory Council and the Scallop Research Fund

LD 1416

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-374

Public Law 2003, chapter 319 creates the Scallop Research Fund, which may be used for research and development of the scallop resource and is funded by a surcharge to the scallop draggers license, the hand fishing scallop license and the scallop diving tender license. The bill creates the Scallop Advisory Council to make recommendations to the Commissioner of Marine Resources on expenditures from the fund and other matters of interest to the scallop fishery.

PUBLIC 466 An Act To Change the Options for a Lobster Management Zone and To Change Entry Criteria for Noncommercial Licensees

LD 703

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY HALL	OTP-AM	H-375

Public Law 2003, chapter 466 requires that the holder of or the applicant for a noncommercial lobster and crab fishing license declare both the lobster management zone in which that person will fish and the vessel that will be

Marine Resources

used to conduct fishing operations. It limits the number of noncommercial traps that can be fished from a vessel to 10, regardless of the number of noncommercial license holders that fish from that vessel. The bill also expands the authority of the Zone E lobster management policy council and repeals that expanded authority on June 1, 2006.

PUBLIC 468 An Act Concerning Age Requirements for Student, Apprentice and LD 1368
Noncommercial Lobster Licenses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM MAJ	H-276
DAMON	ONTP MIN	S-299 CATHCART

Public Law 2003, chapter 468 amends the laws concerning age requirements for student, apprentice and noncommercial lobster license holders by setting a minimum age for licensure of 8 years and by establishing an age-based graduated trap limit for student license holders. It exempts those individuals who hold a student or noncommercial lobster and crab fishing license on October 31, 2003 from the age and trap limits. Public Law 2003, chapter 486 prohibits a person who holds a student license and is less than 8 years of age on October 31, 2003 from submerging more than 10 traps at any given time and upon reaching 8 years of age, requires that person to comply with the graduated trap limits established by this chapter.

P & S 29 An Act To Provide Funding for the Downeast Institute for Applied LD 364
Marine Research and Education

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM MAJ	H-33
DAMON	ONTP MIN	S-294 CATHCART

Private and Special Law 2003, chapter 29 appropriates \$15,000 to the Maine Aquaculture Innovation Center for operating costs at the Downeast Institute for Applied Marine Research and Education, formerly the Beals Island Regional Shellfish Hatchery for the 2004-2005 fiscal biennium.

RESOLVE 20 Resolve, Regarding Legislative Review of Portions of Chapter 2: LD 1396
EMERGENCY Aquaculture Lease Regulations, a Major Substantive Rule of the
Department of Marine Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-206

Resolve 2003, chapter 20 provides for legislative review of portions of Chapter 2: Aquaculture Lease Regulations, a major substantive rule of the Department of Marine Resources and amends those rules to remove the requirement that harbormasters provide the Department of Marine Resources with information on ecological significant flora and fauna in areas near proposed aquaculture lease sites.

Marine Resources

Resolve 2003, chapter 20 was enacted as an emergency measure effective May 15, 2003.

Marine Resources

RESOLVE 40 **Resolve, To Establish a Task Force on the Planning and**
EMERGENCY **Development of Marine Aquaculture in Maine**

LD 1519

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-281 H-327 BULL

Resolve 2003, chapter 40 establishes the Task Force on the Planning and Development of Marine Aquaculture in Maine to develop recommendations on how to balance the range of potential uses of state waters and plan for the growth of marine aquaculture while considering all reasonable constraints and opportunities. It also creates the 11-member Stakeholder Advisory Panel charged with reviewing the draft report of the task force on the Planning and Development of Marine Aquaculture in Maine and making recommendations to the task force on that draft report before the task force submits its final report to the Joint Standing Committee on Marine Resources. Additionally, it also requires the task force to periodically consult with the advisory panel regarding the issues identified in this resolve.

Resolve 2003, chapter 40 was enacted as an emergency measure effective May 21, 2003.